

POINT MONROE LAGOON HOMEOWNER'S ASSOCIATION, INC.

***15670 Point Monroe Drive, N.E.
Bainbridge Island, Washington 98110***

February 1, 2012

City of Bainbridge Island Planning Commission
280 Madison Ave. North
Bainbridge Island, WA 98110

Re: Shoreline Management Program
Point Monroe District

Dear Planning Commission Members:

It was with considerable dismay that I learned that after hundreds of hours of efforts and the expenditures of thousands of dollars by the Point Monroe Lagoon Homeowners Association, Inc. (PMLHOA) the Planning Commission ("Commission"), at the January 26 meeting, reversed course and opted to suspend any work with the PMLHOA, before that work every really got started. A quick review of how the Point Monroe community has been treated in this process will demonstrate why we are feeling like the Commission and City staff have summarily brushed aside our community of 70 homeowners and its unique set of issues without ever making even a passing attempt to fully address them in conjunction with the rest of the Shorelines Program update process, as we had requested.

In August of last year, the members of PMLHOA become aware of the work on revising the Shoreline Management Program (SMP). Community members then began attending the numerous meetings of the Commission and began actively participating in the process. We were gratified when the Commission acknowledged in the early fall of 2011 that the Point Monroe Drive area was a unique part of Bainbridge Island and deserved special consideration within the SMP update process.

As a result of the Commission's commitment to work with Point Monroe community members, we organized the PMLHOA, solicited and received donations, and retained a land use consultant to work with the Commission and City staff on the SMP planning process. Following the Commission's direction, and within the time constraints proposed, we prepared a draft section for the SMP which dealt with the Point Monroe District and timely submitted it to staff for review in October of last year.

After months of delays and apparent inactivity with respect to our proposal, we finally received a full set of comments from the City staff just days before the January 26 Commission meeting. At that meeting, the staff proposed, and the Commission accepted, an approach that tables our PMD proposal until sometime after the SMP update is finalized, at which point staff and the

Commission might possibly readdress it, if they have time. Many community members came to the January 26 meeting with the expectation that substantive issues would be discussed in detail and the Commission would give City staff some direction on those key issues. We then could have worked through those issues with City staff and the Commission in the days and weeks that followed, resulting in the PMD being included in the Commission's recommendations to the City Council. Instead, after over three months of waiting, City staff simply identified some of the issues involved in the briefest Commission meeting in memory, and we were told that it was now too late to make any substantive decisions so we'll just have to wait some more.

The utter failure of the SMP update process outlined above raises the question of what actually happened after we proposed the draft PMD language in October of 2011? In November, City staff provided very limited comments to our consultant concerning non-substantive introductory language, but nothing thereafter until just before last Thursday's meeting. Further, neither our consultant nor any PMLHOA Board members or community members were apprised of staff's or others' concerns with the proposal as those concerns developed. We finally received notice of the availability of written feedback after the initial presentation of the PMD language to the Commission on January 12, 2012. ETAC was provided with a copy of the proposed PMD either the night before or the day of their January 11 meeting. No work session to review the language and discuss options was ever suggested before either the January 12 or 26 Commission meetings. Does this sound like a process designed to get to a workable resolution of key issues in time to include PMD language in the proposal to the City Council? I think not.

So we are left with a tabled proposal and abandonment of the City staff and Commission's commitment to work with us in a timely fashion on PMD issues. That is an unacceptable result for the Point Monroe community. We understand that the Commission and City staff have a lot of work to do on the SMP update, but that does not excuse an approach that arbitrarily brushes aside the concerns of a unique and valued Bainbridge Island community that will be severely affected by the SMP changes being contemplated by the Commission.

The PMLHOA cannot accept the Commission decision to table the development of the PMD language for the SMP. We are being asked to trust that City staff and the Council will work with us at some point in the future to resolve our issues. In the meantime, the SMP would go forward without the designation of a special district for the Point Monroe community. Given the way we have been treated in the process to date, we are puzzled as to why anyone would think that a "trust me" approach is acceptable. And given the problems with the current draft of the SMP update, as applied to the Point Monroe community, I'm sure you can understand why we will not accept life under a revised SMP until such time as the process gets around to fixing our problems, if ever.

The reasons for our concerns and our unwillingness to accept the Commission's decision to table work on the PMD are obvious:

- One hundred percent of the homes and buildable lots in the proposed PMD are now non-conforming under any interpretation of the draft SMP.

- One of the principal stated policies of the draft SMP is to, over time, either bring all properties into conformance or have the non-conforming uses and structures disappear. Since it is impossible to bring the PMD properties into conformance, the SMP as currently drafted would establish the total elimination of the Point Monroe community as a guiding policy of the City of Bainbridge Island.
- Despite the emotional and political goodwill, and possible economic benefit available by adopting HSSB 5651 and calling all existing structures and uses "conforming" the Commission, for no practical reason, refuses to do so.
- In reviewing non-conforming uses and the repair and replacement of residences and appurtenant structures, the Commission is seriously considering an approach to "no net loss" which is not supported by common sense, statute, or the WAC and which will, over time, eliminate the ability of the waterfront homeowner to use and enjoy their property.
- There has been no noticeable compliance with the 2006 Washington Attorney General memorandum and directive which provides that when SMP updates are considered the potential negative economic impacts to the property owners needs to be considered and quantified.

On behalf of the PMLHOA members, I request that the Commission reconsider its decision of January 26, and direct City staff to work directly with representatives of the PMLHOA in an expedited, focused fashion, to resolve issues related to the PMD so that the PMD can be included in the SMP update transmitted to the City Council.

Very truly yours,

PMLHOA

By



Harold E. Snow, Jr.

cc: Bainbridge City Council

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